

REGULAR CITY COUNCIL MEETING
AUGUST 28, 1995

PRESENT

| | |
|----------------|----------------|
| Don Dafoe | Mayor |
| Gayle Bunker | Council Member |
| Alan Burraston | Council Member |
| Robert Dekker | Council Member |

ABSENT

| | |
|----------------|----------------|
| Robert Droubay | Council Member |
| Dale Roper | Council Member |

OTHERS PRESENT

| | |
|--------------------------|-------------------------|
| Dorothy Jeffery | City Recorder |
| Richard Waddingham | City Attorney |
| Neil Forster | Public Works Director |
| Kirtt & Lisa Myers | Myers' Subdivision |
| Keith Griffiths | Millard School District |
| Howard Clayton | Millard School District |
| Mr. & Mrs. Mike Holdaway | Rocky's Pub & Pizza |
| Darin Phelps | Chronicle Progress |
| Ruth Hansen | City Resident |
| Otto Riding | City Resident |
| Judy Baker | Treasurer |

Mayor Dafoe called the meeting to order at 7:00 p.m. Dorothy Jeffery, City Recorder, acted as secretary. Mayor Dafoe stated that notice of the meeting time, place and agenda was posted at the principal office of the governing body located at 76 North 200 West and was provided to the Millard County Chronicle/Progress, the local radio stations, and to each member of the City Council by personal delivery two days prior to the meeting.

Council Member Gayle Bunker offered an invocation, after which Mayor Dafoe led the Council in the Pledge of Allegiance.

MINUTES

The proposed minutes of a Regular City Council Meeting held August 14, 1995, were presented for consideration and approval. The Council reviewed the minutes briefly, after which Council Member Gayle Bunker MOVED that the minutes be approved as corrected. The motion was SECONDED by Council Member Alan Burraston. Mayor Dafoe asked if there were any comments or questions regarding the motion.

There being none, he called for a vote. The motion passed unanimously.

ACCOUNTS PAYABLE

The Council reviewed the accounts payable, a list of which had been given to them two days prior to the meeting. Following a brief discussion of the accounts payable, Council Member Gayle Bunker MOVED that the accounts payable be approved for payment as listed in the amount of \$57,070.77. The motion was SECONDED by Council Member Robert Dekker. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

UNFINISHED BUSINESS

NEW BUSINESS

KIRTT & LISA MYERS, MYERS SUBDIVISION: FINAL PLAT - MYERS SUBDIVISION

Mayor Dafoe asked Kirtt Myers to present a Final Plat for the Myers Subdivision.

Kirtt Myers said that he has submitted a Preliminary and Final Plat as one to the Delta City Planning Commission for their approval.

He then reviewed with the City Council a Final Plat for the Myers Subdivision after which the following recommendation was considered:

"In a regular Planning Commission Meeting held August 17, 1995, a Preliminary/Final Plat for the Myers Subdivision submitted by Kirtt & Lisa Myers was reviewed and discussed in detail.

It is the recommendation of the Planning Commission that the Final Plat be approved as presented subject to the placement of a street light on the existing pole that fronts their property. Also, if Kirtt Myers' property line extends to the center of the street, then Mr. Myers will be required to deed that portion of the street to Delta City."

Following brief discussion, Council Member Gayle Bunker MOVED to approve the Final Plat for the Myers Subdivision subject to the installation of sidewalk, the installation of a street light on the existing pole that fronts their property and 33 feet of street in

front of their property being dedicated to Delta City. The motion was SECONDED by Council Member Robert Dekker. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

SUPT. KENNETH TOPHAM, MILLARD SCHOOL DISTRICT: VACATION OF A PORTION OF 300 NORTH STREET

In view of Superintendent Kenneth Topham's absence, Mayor Dafoe asked Keith Griffiths to discuss the vacation of a portion of 300 North Street.

Keith Griffiths explained that the Millard School District has plans to build a warehouse and future School District Offices on the property located behind the Vocational School on 300 North between 200 and 350 East. He said that 300 North street between 350 East and 200 East is a 99 foot street and the proposed buildings extend north into the existing right-of-way, and he requested that Delta City vacate 39 feet of 300 North to the School District. Mayor Dafoe recommended that at least a 60 foot right-of-way be maintained on that street.

Discussion was then held regarding curb, gutter and sidewalk along 300 North, and it was determined that the School District should install curb, gutter and sidewalk along 300 North to John Niles property line. The City Council agreed to asphalt to the curb along 300 North.

Following discussion, Council Member Robert Dekker MOVED to authorize Attorney Waddingham to prepare an ordinance to vacate a portion of 300 North street between 350 East and 200 East maintaining a 60 foot right-of-way and the Millard School District agreed to install curb, gutter and a five-foot sidewalk from 350 East to John Niles property line with the City asphaltting from the existing street to the curb. The motion was SECONDED by Council Member Gayle Bunker. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

ATTORNEY RICHARD WADDINGHAM: AMENDMENT TO BUSINESS LICENSE ORDINANCE REDEFINING "LICENSED PREMISES"

Mayor Dafoe asked Attorney Richard Waddingham to present a proposed amendment to the Business License Ordinance redefining "Licensed Premises".

Attorney Richard Waddingham presented a proposed ordinance entitled:

ORDINANCE NO. 95-168

AN ORDINANCE AMENDING SECTION 9-111.G. OF THE REVISED ORDINANCES OF DELTA CITY (1981 edition), AS AMENDED, REDEFINING THE TERM "LICENSED PREMISES", FOR BUSINESSES OPERATING UNDER BEER OR LIQUOR LICENSES.

Attorney Waddingham said that "Licensed Premises" is redefined as follows:

"Licensed premises" shall mean any room, house, building, structure or other place occupied by any person licensed to sell beer or liquor or to allow the consumption of beer or liquor on the premises under this ordinance.

Following discussion, Council Member Gayle Bunker MOVED to adopt Ordinance No. 95-168 as presented. The motion was SECONDED by Council Member Robert Dekker. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a roll call vote. The voting was as follows:

| | |
|-------------------------------|--------|
| Council Member Alan Burraston | Yes |
| Council Member Gayle Bunker | Yes |
| Council Member Robert Dekker | Yes |
| Council Member Robert Droubay | Absent |
| Council Member Dale Roper | Absent |

Mayor Dafoe then signed the Ordinance. Mayor Dafoe's signature was attested to by City Recorder Dorothy Jeffery.

MIKE HOLDAWAY, PLAZA LANES: CLASS B BEER LICENSE

Mayor Dafoe asked Mike Holdaway, Plaza Lanes, to present his request for a Class B Beer License.

Mike Holdaway addressed the City Council and said that they are requesting a Class B Beer License to reopen the tavern that is located next to the bowling center.

It was the consensus of the City Council that a Class B Beer License be issued for a probationary period of one-year with the condition that if there are any problems with minors then the license will be revoked. This license is to come before the City Council prior to July 1, 1996 for review.

Council Member Gayle Bunker MOVED to approve a Class B Beer License for Rocky's Pub & Pizza for a probationary period of one year. The owners are to come back before the City Council two months prior to the license renewal date for review. The motion was SECONDED by Council Member Robert Dekker. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

ATTORNEY RICHARD WADDINGHAM: WATER DEDICATION/ANNEXATION ORDINANCE
REQUIRED BY PRIOR ORDINANCE FOR ANDY THOMPSON'S PROPERTY

Mayor Dafoe asked Attorney Waddingham to present an ordinance regarding water dedication and annexation for Andy Thompson's property.

Attorney Richard Waddingham presented the following proposed ordinance entitled:

ORDINANCE NO. 95-169

AN ORDINANCE AMENDING SECTIONS 5 AND 6 OF
ORDINANCE NO. 81-28, WHICH PROVIDED FOR
ANNEXATION OF CERTAIN TERRITORY INTO THE
CORPORATE LIMITS OF THE CITY OF DELTA AND
ESTABLISHED CERTAIN GUIDELINES AND STANDARDS
AS CONDITIONS TO THE ANNEXATION OF SAID
TERRITORY.

Attorney Waddingham explained in detail the following contents of the ordinance:

In 1981, Delta City annexed certain territory into its corporate limits pursuant to Ordinance No. 81-28. The annexation was based on Delta City's determination that housing development and additional facilities were needed to accommodate the anticipated population increase due to construction and operation of IPP.

The petitioners for such annexation proposed a planned unit development which would encompass all of the property being considered for annexation.

At the time of annexation, Delta City had a policy requiring that a portion of such annexed territory be dedicated for parks and recreation. Furthermore, the annexation petitioners were required to obtain 36.7 acre feet of water in order to meet the needs of the proposed planned unit development.

In 1982, the Delta City Council passed Resolution No. 82-63 providing for water connection fees, including a water rights acquisition and development fees, as a condition to receiving culinary water service from Delta City in the annexed territory.

In 1983, the Policy Declaration Statement for Annexation was amended to remove the park and recreation dedication requirements. The planned unit development contemplated by Ordinance No. 81-28 was not constructed. The annexation petitioner's successors in interest are now currently developing the property for single home residences. The current owners are not in need of the amount of water requested under Ordinance No. 81-28, nor should they be subject to the park and recreation dedication requirements of the ordinance. The current owners should now be subject to the connection fees and water rights acquisition and development fees

required under Resolution No. 84-110 and any successor ordinance or resolution amending Resolution No. 84-110.

Attorney Waddingham further reviewed the ordinance and the Conditions To Annexation.

Following discussion, Council Member Gayle Bunker MOVED to adopt Ordinance No. 95-169 as presented. The motion was SECONDED by Council Member Robert Dekker. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a roll call vote. The voting was as follows:

| | |
|-------------------------------|--------|
| Council Member Alan Burraston | Yes |
| Council Member Gayle Bunker | Yes |
| Council Member Robert Dekker | Yes |
| Council Member Robert Droubay | Absent |
| Council Member Dale Roper | Absent |

Mayor Dafoe then signed the Ordinance. Mayor Dafoe's signature was attested to by City Recorder Dorothy Jeffery.

ATTORNEY RICHARD WADDINGHAM: ORDINANCE REGULATING PARKING AT DELTA NORTH ELEMENTARY SCHOOL

Mayor Dafoe asked Attorney Waddingham to present an ordinance regarding parking regulations on certain streets adjacent to the Delta North Elementary School.

Attorney Richard Waddingham presented the following proposed ordinance entitled:

ORDINANCE NO. 95-170

**AN ORDINANCE REGULATING PARKING ON CERTAIN
STREETS ADJACENT TO THE DELTA NORTH
ELEMENTARY.**

Discussion was held and additions were made to include the following parking regulations:

1. South side of 100 North between 100 East and 150 East
(No Parking)
2. West side of 150 East between 100 North and 200 North
(No Parking)
3. West side of 100 East between 100 North and 181 North
(No Parking from 8:00 a.m. to 4:00 p.m. Mondays through
Fridays While School Is In Session)
4. 50 East 100 North to 200 North
(No Parking on either side of the street)

Council Member Gayle Bunker MOVED to adopt Ordinance No. 95-170 as amended. The motion was SECONDED by Council Member Robert Dekker. Mayor Dafoe asked if there were any comments or questions regarding

the motion. There being none, he called for a roll call vote. The voting was as follows:

| | |
|-------------------------------|--------|
| Council Member Alan Burraston | Yes |
| Council Member Gayle Bunker | Yes |
| Council Member Robert Dekker | Yes |
| Council Member Robert Droubay | Absent |
| Council Member Dale Roper | Absent |

Mayor Dafoe then signed the Ordinance. Mayor Dafoe's signature was attested to by City Recorder Dorothy Jeffery.

MAYOR DON DAFOE: FINANCIAL AID FOR M. E. BIRD CENTER WATER/SEWER BILL

Mayor Dafoe said that he has been contacted to see if the City Council would provide some financial aid for the water and sewer bill for the M. E. Bird Senior Citizens Center.

Several of the Senior Citizens Center's water bills were reviewed and discussion was held regarding water bond requirements.

Following discussion, Council Member Robert Dekker MOVED that the City Council pay the minimum amount due on the water bill (overages will be the responsibility of the Senior Citizens Center), waive the monthly sewer bill, and the landfill fee will be charged unless waived by the Millard County Commission. The motion was SECONDED by Council Member Gayle Bunker. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

MAYOR DON DAFOE: DELTA CITY'S UTAH CENTENNIAL PROJECT

Mayor Dafoe explained that as part of the Utah Statehood Centennial Celebration in 1996, grant money was available through the Millard County State Centennial Committee for a Centennial project.

Mayor Dafoe said that a Mini-Grant Application was submitted for a Delta City Centennial Marker for the City Park. The project would require 3 flag poles, brick work, lighting and planters for a total of \$4,550.

A letter was received from the Millard County Centennial Grant Committee awarding funds in the amount of \$2,500 for the project.

The project and a location for the marker was briefly discussed after which Council Member Robert Dekker MOVED to table this item until the next Regular City Council Meeting. The motion was SECONDED by Council Member Alan Burraston. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

COUNCIL MEMBER ALAN BURRASTON: AIRPORT HANGAR RE-SIDING

Mayor Dafoe asked Council Member Alan Burraston to discuss siding for the Delta Municipal Airport Hangar.

Council Member Alan Burraston said that he received a bid from Bennett's Seamless Raingutter for replacement of siding on the airport hangar. The bid was in the amount of \$10,001.00. However, the bid did not include backing, and the City Council recommended that backing be installed prior to siding.

Following discussion, Council Member Gayle Bunker MOVED to approve the bid from Bennett's Seamless Raingutter and to authorize Mayor Dafoe and Public Works Director Neil Forster to approve the additional charge for backing. The motion was SECONDED by Council Member Robert Dekker. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

OTHER BUSINESS

Otto Riding, City Resident, was in attendance and said that there is a major drainage problem at 200 West 200 South and the recent rain flooded his basement. Options for repair were discussed, and Public Works Director Neil Forster was instructed to shoot some grades and prepare cost estimates to repair the problem. This item will be discussed further at the next Regular City Council Meeting.

Mayor Dafoe asked if there were any comments, questions or items to be discussed. There being none, Council Member Robert Dekker MOVED to adjourn. The motion was SECONDED by Council Member Gayle Bunker. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously. Mayor Dafoe declared the meeting adjourned at 9:15 p.m.


DON DAFOE, Mayor


DOROTHY JEFFERY
Delta City Recorder

MINUTES APPROVED: RCCM 9-11-95